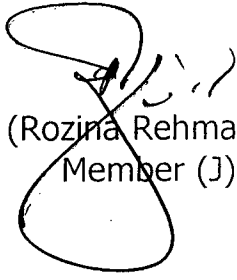


28.04.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

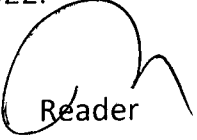
500/-
Appellant Deposited
Security & Process Fee
28/4

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 08.07.2022 before S.B.


(Rozina Rehman)
Member (J)

08.07.2022

Due to Public Holiday on account of Eid-UI-Adha case to come for the same on 13.09.2022.





Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 164/2022 _____


S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	04/02/2022	<p>The appeal of Mr. Azhar Iqbal resubmitted today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p>	1	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>01-04-2022</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>01.04.2022</p> <p>Learned counsel for the appellant present. Seeks adjournment to assist the court. Adjourned. To come up for preliminary hearing on 28.04.2022 before the S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Azhar Iqbal Sub-Engineer LG&RDD Peshawar received today i.e. 25.01.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is attached with the appeal.
- 2- A copy of original rules in which amendment was made is not attached with the appeal which may be placed on it.
- 3- Annexure-B, C and page no. 19 of the appeal are illegible which may be replaced by legible/better one.

No. 171 /S.T,

Dt. 26/01 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Noman Ali Bukhari Adv. Pesh.



All objections removed.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 164 /2022

Azhar iqbal

Vs


LG&RDD Deptt:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	1-6
2.	Copy of appointment order	A	07-08
3.	Copy of rules 1998	B	09-12
4.	Copy of amendment 2019	C	13-14
5.	Copy of departmental appeal	D	15-16
6.	Copy of letter	E	17
7.	Copy of promotion order	F	18-19
8.	Vakalat nama	-----	20

APPELLANT

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATE, HIGH COURT.

1

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2022

Mr. Azhar iqbal S/o Zafar Iqbal, Sub-Engineers (BPS-12)
O/o Assistant Director LG&RDD Deptt:
Khyber Pakhtunkhwa, Peshawar.

(Appellant)

VERSUS

1. The Secretary to Govt KP, LG&RDD Deptt: Peshawar, Khyber Pakhtunkhwa.
2. The Standing Rules Committee (SSRC) through its chairman/ Secretary (Establishment, Civil Secretariat KP, Peshawar.
3. The Director General LG&RDD Deptt: Peshawar, Khyber Pakhtunkhwa.

(Respondents)

.....

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED UNILATERAL
AMENDMENT DATED 16.10.2019 IN SERVICE RULES,
TO THE EXTENT OF APPENDIX C SUB CLAUSE-II
NEVER CIRCULATED UPON THE APPELLANT AND
AGAINST NOT TAKING ANY ACTION ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT
WITHIN STATUTORY PERIOD OF 90 DAYS.**

2

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED UNILATERAL AMENDMENT DATED 16.10.2019 IN SERVICE RULES MAY PLEASE BE SET-ASIDE TO THE EXTENT OF APPENDIX C SUB CLAUSE-II TO ENHANCE THE PROMOTION CHANCES IN INTEREST OF JUSTICE OR TREATED THE APPELLANT FOR PROMOTION UNDER THE RULES WHICH IS IN FILED AT THE TIME OF APPOINTMENT OF APPELLANT TO SAVE THE PROGRESS OF PROMOTION OF THE APPELLANT. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant joined the respondent department as Sub-Engineers on 16.09.2019 and working quite efficiently and up to entire satisfaction of his superiors. **Copy of appointment order is attached as annexure-A.**
2. That at the time of appointment the service of rules dated 14 April 1998 was **in field** and no length of service is required for promotion to the post of **assistant-engineers**. the service structure and service rules of 1998 is **hope of Sub-engineers** to be promoted to next higher grade, and this hope of promotion is snatched by the deptt when the service rules 1998 is amended in 2019 and 5 years length of service is introduced as promotion criteria.. **Copy of service rules 1998 is attached as annexure-B.**
3. That the appellant is **unaware** from the said unilaterally amendment in the rules. But **now when** sub engineers posts are fall vacant and The appellant while **approaching** the authorities for promotion to the post of Sub-engineers came to know that Deptt: have amended the rules of 1998 vide notification dated 16.10.2019 unilaterally without any consultation, wherein 5 years length of service has now been prescribed for promotion of the Degree holder Sub-engineers to the post of Assistant engineers. **Copy of service rules 2019 is attached as annexure- C.**

4. That thereafter, after getting knowledge about rules appellant within time file departmental appeal but the same was not responded within statutory period of 90 days. hence the present appeal on following grounds amongst other. **Copy of departmental appeal is attached as annexure-D.**

GROUNDS:

- A) That the impugned amended rules 2019 to the extent of **APPENDIX C SUB CLAUSE-II** and not responding the departmental appeal within statutory period of 90 days is against the law, facts, norms of justice and material on record, therefore not tenable.
- B) That the department while framing 2019 amendment rules neither taken the consent from the degree holder sub-engineers nor have they circulated any material in this regard. Even the appellant has no knowledge of the said rules 2019. So the appellant is of the view that nothing changed but the appellant know about the rules when post of assistant engineers is fall vacant and promotion of the appellant is due and he approached to deptt for promotion.
- C) That at the time of appointment the service of rules dated 14 April 1998 was in field and no length of service is required for promotion to the post of assistant-engineers. the service structure and service rules of 1998 is hope of Sub-engineers to be promoted to next higher grade, and this hope of promotion is snatched by the deptt when the service rules 1998 is amended in 2019 and 5 years length of service is introduced as promotion criteria. Which is injustice.
- D) That the Assistant Director also wrote letter dated 28.12.2021 to Secretary Local Government, Election and Rural Deptt and support the stance of the appellant and also admitted the anomaly created by the unilaterally amendment and stated that this office faces severe shortage of Assistant Engineers in wake of Establishment of Tehsil setup. **Copy of letter is attached as annexure-E.**
- E) That after amendment in 1998 service rules and framing of 2019 rules and anomaly was created and the whole promotion structure of sub-engineers was affected which badly effect the promotion of the appellant and lesser the chances of promotion for Sub-engineers.
- F) That on 29.04. 2019 and 06.11.2019 two sub engineers were promoted on the basis of old rules but when the appellant turns came for promotion the rules were amended due to which appellant has

(u)

been deprived from the promotion. **Copy of the promotion orders is attached as annexure-F**

G) That the whole exercise has nullity in the eye of law as before framing the amended rules 2019 the Deptt not consider all the aspects and without rationalizing the strength of cadres and no exercise has been done before making service rules 2019 . So. The whole impugned action of the respondents is void ab initio and not sustainable in the eye of law.

H) That the appellant has not been treated according to law and rules.


I) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.


APPELLANT

Azhar Iqbal

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATE, HIGH COURT

5

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2022

Azhar iqbal

Vs

LG&RDD Deptt.

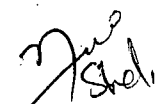
CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.


DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT



DIRECTORATE GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA

A

7

Dated Peshawar, the 16th September, 2019

OFFICE ORDER

No. Director (LG)3-1/Establishment/2019/15425
Consequent upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission, the Competent Authority is pleased to appoint the following candidates against the post of Sub-Engineers in Basic Pay Scale -12 (Ka. 13320-960-42120) on temporary basis with effect from the date of their taking over charge:-

S#	Name of Sub-Engineer	Father Name	Domicile
1	Azhar Iqbal	Zafar Iqbal	Peshawar
2	Muhammad Nadeem	Muhammad Saleem	Lakki Marwat
3	Sami Ullah	Noor ul Haq	Swat
4	Muhammad Ayaz Khan	Abdul Ghafaar	Nowshera
5	Syed Amir Abbas	Syed Yaqoot Jan	Orakzai Agency
6	Abdullah	Rahmat Ali	Swat
7	Farooq Shah	Nadar Shah	Khyber Agency
8	Hayat Khan	Ghaz Noor	Charsadda
9	Najeeb Ullah	Peer Nawaz	FR Bannu
10	Kamil Tariq	Tariq Rehman	Mansehra
11	Waqar Ali	Nazakat Ali	Mansehra

1. Their appointment will be subject to the following terms and conditions:-
 - i. They will be governed by the provisions of Khyber Pakhtunkhwa Civil Servant Act, 1973 (KPK Act No. XVII of 1973) and in matters not specifically mentioned in this Notification, shall be governed by such rules and regulations relating to leave, T.A., Medical Attendance, Seniority etc., as have been or may be prescribed from time to time by Government for the category / status of Government Servants to which they belong.
 - ii. They will be governed by the Government Servants Conduct Rules, 1987, the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and any other instructions on the subject as may be issued by the Government of Khyber Pakhtunkhwa from time to time.
 - iii. That their appointment shall be subject to verification of their character antecedents, documents and medical fitness.
 - iv. They will initially be on probation for period of one year. If their work and conduct during this period is not found satisfactory, in such an event, they will be given a month's notice of termination of service or one month's pay in lieu thereof. In case they wish to resign at any time, they will have to give one month's advance notice and in case of failure, one month's salary will be forfeited.
 - v. They will initially be on probation for period of one year. If their work and conduct during this period is not found satisfactory, in such an event, they will be given a month's notice of termination of service or one month's pay in lieu thereof. In case they



DIRECTORATE GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA

wish to resign at any time, they will have to give one month's advance notice and in case of failure, one month's salary will be forfeited.

- vi. Their employment will not in any case confer upon them any claim or right to permanent employment in the department. They will, however, be eligible for continuance and eventual confirmation on satisfactory completion of probation (including the extended period of probation if any) and when a regular substantive vacancy in the post is available for them.
- vii. They will not be entitled to any Travelling Allowance/ Daily Allowance on their first appointment except in case of permanent Government servant.
- viii. They will be liable to serve any-where within or outside Khyber Pakhtunkhwa in any post under the Federal Government or any Provincial Government or Local authority or a Corporation of Body set up or established by any such Government.
- ix. Their pay will be fixed in the Basic Pay Scale-12 of (Rs. 13320-960-42120) from the date of their taking over the charge of the post.
- x. Their inter-se-seniority will be fixed according to the order of merit assigned by the Khyber Pakhtunkhwa Public Service Commission.

If the above terms and conditions of appointment are accepted to them, they should immediately communicate their acceptance in writing to this Department and report for duty to the undersigned on or before 30th September 2019 at the latest, failing which this appointment order may be treated as cancelled in respect of the candidate.

-sd-

DIRECTOR GENERAL
LG & RD

Endst. Of even No. & Date.

Copy of the above is forwarded to the:

1. Accountant General Khyber Pakhtunkhwa, Peshawar for information.
2. Director, LG & RD, Newly Merged Areas Secretariat, Peshawar.
3. Section Officer (Establishment), LG, E & RDD, Peshawar for information.
4. All the Assistant Directors, LG & RD, Khyber Pakhtunkhwa.
5. All District Accounts Officers in Khyber Pakhtunkhwa.
6. All District Accounts Officers in Merged Districts of Khyber Pakhtunkhwa.
7. PA to Director General LG & RDD, Khyber Pakhtunkhwa, for information.
8. All officials concerned on their respective home addresses.
9. Office file.

(SHAMS UL ARIFEN)
ASSISTANT DIRECTOR (ADMIN/HR)
LG & RDD

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GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE
 LOCAL GOVERNMENT, ELECTIONS AND RURAL
 DEVELOPMENT
 DEPARTMENT.

389
B (09)

NOTIFICATION

Peshawar, dated the 14th April, 1998.

No. SO(LG-I)2-188/93-Vol-III: In exercise of the powers conferred by sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Local Government and Rural Development Department, in consultation with the Services and General Administration Department and the Finance Department, hereby directs that in this Department Notification No. DG(RWP)7(2)/73, dated 26.1.1970, the following further amendments shall be made namely:

AMENDMENTS.

In the Appendix, -

(a) for the existing entries at serial No. 1, the following shall respectively be substituted, namely:

1.	2.	3.	4.	5.	6.
"1.	Director/ Chief Planning Officer.	-	-	-	i) Seventy five percent by promotion, on the basis of seniority-cum-fitness from amongst Assistant Directors/Planning Officers with five years service as such; and ii) twenty five per cent by transfer."

(b) for the existing entries at serial No. 2, the following shall respectively be substituted, namely:

1.	2.	3.	4.	5.	6.
"2.	Assistant Director/ Planning Officer.	Master	-	21 to 30 years	i) Fifty percent by initial recruitment; and ii) fifty percent by promotion, on the basis of seniority-cum-fitness from amongst

10

the Progress
Officers with
three years
service as
such."

(c) for the existing entries in column 6 against serial No. 6, the following shall be substituted, namely:

" By promotion, on the basis of seniority-cum-fitness, from amongst Assistants/Accountants and Senior Scale Stenographers with five years services as such."

Note.- A joint seniority list of Assistants/Accountants and Senior Scale Stenographers shall be maintained, on the basis of their regular continuous appointments to the respective posts, for the purpose of promotion; provided that if the date of regular appointments is the same, the Assistant/Accounts shall rank senior to Senior Scale Stenographers."

d) for the existing entries in columns 3, 5 and 6 against serial No. 7, the following shall respectively be substituted, namely:

3.	5.	6.
"Bachelor Degree or equivalent qualification from recognised University.	21 to 25 years	i) Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Auditors and Senior Clerks with three years service as such; and ii) twenty five per cent by initial recruitment.

Note.- A joint seniority list of Senior auditors and Senior Clerks shall be maintained, on the basis of their regular continuous appointment to the respective posts, for the purpose of promotion; provided that if the date of regular appointment is the same the Senior Auditors shall rank senior to Senior Clerk."

(e) for the existing entries in columns 3, 5 and 6 against serial No. 9, the following shall respectively be substituted, namely:

71

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3.	5.	6.
"Bachelor Degree in Engineering or equivalent qualification in the relevant field from recognised University.	2/ to 30 years	i) Seventy per cent by initial recruitment; ii) Seventy per cent by promotion, on the basis of seniority cum-fitness, from amongst Sub-Engineer who possess Bachelor Degree in Engineering or equivalent qualification from a recognised University; and iii) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst diploma holder Sub-Engineers having ten years service as such and have passed the prescribed departmental examination."; and

04-20

(f) for the existing entries in columns 3, 5 and 6 against serial No. 10, the following shall respectively be substituted, namely:

3.	4.	5.	6.
"Bachelor Degree from recognised University	-	21 to 25 years	(i) Seventy five per cent by promotion, on the basis of seniority-cum-fitness, from amongst Village Secretaries with five year service as such; and (ii) twenty-five per cent by initial recruitment."; and

(g) for the existing entries in columns 6 against serial No. 11, the following shall respectively be substituted, namely:

"By promotion, on the basis of seniority-cum-fitness, from amongst Junior Clerks with two years service as such."

Secretary to Government of
North-West Frontier Province,
Local Government, Elections and Rural
Development Department.

12

Endat: No. SO(LG-I)2-188/89 Dated. the 14th April 1998.

Copy of the above is forwarded to:

1. All Administrative Secretaries to Government of NWFP.
2. All Divisional Commissioners in NWFP.
3. Secretary to Governor, NWFP, Peshawar.
4. Secretary, NWFP, Public Service Commission, Peshawar.
5. Director General, LG&RDD, NWFP, Peshawar.
6. All Heads of Attached Departments in NWFP.
7. Secretary Local Council Board, NWFP, Peshawar.
8. Secretary Provincial Election Authority, Peshawar.
9. All Divisional Directors, LG&RDD in NWFP.
10. All Deputy Commissioners in NWFP.
11. All District & Session Judges in NWFP.
12. Registrar, Peshawar High Court Peshawar.
13. All Assistant Directors, LG&RDD in Peshawar.
14. Section Officer (Legis.), Govt: of NWFP, Law Deptt:
15. Section Officer (Urdu Cell) Govt: of NWFP, S&GAD with reference to his letter No. SOUC(S&GAD)6-22/90/Vol-III, dated 24-2-1998.
16. Manager Govt: Printing Press, Peshawar for publication in the next Government Gazette Notification, 40 copies of the Notification may be sent to this Department.



(ARBAB WAHEED ALAM)
Section Officer-I.

HM/AQ.

16/4/98



Government of Khyber Pakhtunkhwa
Local Government, Elections & Rural
Development Department

C
13

NOTIFICATION

Dated Peshawar, the 16th October, 2019

No. SO(ELG/2-188/SSRC/2019.-

In exercise of the powers conferred by sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Local Government, Elections and Rural Development Department Khyber Pakhtunkhwa, in consultation with the Establishment & Administration Department and the Finance Department hereby directs that in this Department's Notification No. DG(RWP)7(2)/13, dated 26.01.1978, the following further amendments shall be made, namely:

Signature
17/10/2019

AMENDMENTS

In the Appendix,-

- a) Against Serial No. 2, in column No. 6, for the existing entries, the following shall be substituted, namely:
- i) "Fifty per cent by initial recruitment through Khyber Pakhtunkhwa Public Services Commission on the pattern of syllabus prescribed for the Officers in Provincial Management Service.";
 - ii) Forty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Progress Officers with at least three years service as such; and
 - iii) Ten percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers and Assistants with at least three years service as such.";

Note: For purpose of promotion to the post of Assistant Director against ten percent quota, there shall be maintained a joint seniority list of Senior Scale Stenographers and Assistants.";

- b) Against Serial No. 3, in column No.6, for the existing entries, the following shall be substituted, namely:
- i) "Fifty (50) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents with at least three years service as such; and
 - ii) Fifty (50) per cent by initial recruitment.";
- c) against Serial No.5, in column No. 6, for the existing entries, the following shall be substituted, namely:

i) "Twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst diploma holder Sub-Engineers with at least ten years service as such and have passed the prescribed Departmental Examination;

~~and by promotion on the basis of seniority-cum-fitness, from amongst Sub-Engineers with at least ten years service as such and who possess Bachelor's Degree in Engineering or its equivalent qualification from a recognized University; and~~

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- 24
- d) against Serial No. 9, in column No. 6, for the word, figure and bracket "five (05)", the word, figure and bracket "ten (10)" shall be substituted;
- e) against Serial No. 13A, in column No. 6, for the word, figure and bracket "five (05)" shall be substituted; and
- f) against Serial No. 16, in column No. 6 for the existing entry, the following shall be substituted, namely:

- i) Twenty (20) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids and Chowkidars in the Village Council / Neighborhood Council with seniority at Tehsil level, having Secondary School Certificate in Second Division from a recognized Board or Institute and six months Diploma in IT from recognized Board / Institute with three (03) years service as such; and
- ii) Eighty (80) per cent by initial recruitment:

Provided that the candidate shall be preferably a bonafide resident of the same Village / Neighborhood Council. If such candidate is not available in the same Village Council / Neighborhood Council then the candidate from adjacent Village Council / Neighborhood Council;

Provided further that in case of non-availability of candidate from adjacent Village Council / Neighborhood Council then from any other Village Council / Neighborhood Council in that Tehsil."


SECRETARY TO GOVERNMENT OF KHYBER
PAKHTUNKHWA LG, E&RD DEPARTMENT

No. SO(LG/2-188/SSRC/2019:-

Dated Peshawar, the 16th October, 2019

Copy forwarded to:-

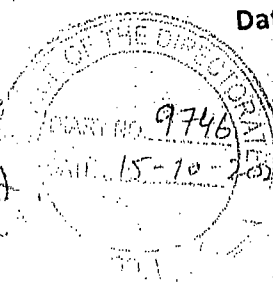
1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
2. All Divisional Commissioners in Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
4. The PSO to Chief Minister, Khyber Pakhtunkhwa Peshawar.
5. The PSO to Chief Secretary, Khyber Pakhtunkhwa Peshawar.
6. The Director General, LG, E&RDD, Khyber Pakhtunkhwa Peshawar.
7. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
8. All Head of Attached Departments in Khyber Pakhtunkhwa.
9. All Deputy Commissioners in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. All District and Session Judges in Khyber Pakhtunkhwa.
12. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
13. The Manager Government printing press, Peshawar for publication in the next Government Gazette Notification. 100 copies of the Notification may be sent to this Department.
14. The PS to Senior Minister for LG, E&RD Khyber Pakhtunkhwa.
15. The PS to Secretary LG, E&RDD Peshawar.
16. The Office Order file.


(HAJI MUHAMMAD)
SECTION OFFICER (ESTAB)
Phone # 091-9213224

Date:- 15.10.2021

D 15

To,
The Director General
Local Government Rural,
Development Department
Khyber Pakhtunkhwa Peshawar.



DP (HR)

15/10/2021

Subject: - **PRESENTATION AGAINST THE UNILATERAL AMENDMENTS IN THE SERVICE RULES FOR PROMOTION OF DEGREE HOLDERS SUB-ENGINEERS TO THE POST OF ASSISTANT ENGINEERS BPS-17 IN LG& RDD KHYBER PAKHTUNKHWA**

Respected Sir,

It is most humbly submitted that we the undersigned five degree holders Sub Engineers have joined the department through public service commission Khyber Pakhtunkhwa on dated 20.09.2019.

It is pointed out that 10% quota has been reserved in the service Rules for promotion of Degree Holders Sub-Engineers to the Post of Assistant Engineer (BPS-17).

It is submitted that before our appointment no length of service was required in the service rules for promotion of degree holder Sub Engineers to the post of Assistant Engineers as evident in departmental service rules notification vide No. SO(LG-I)2-188/93-VOL-II dated 14th April 1998. (Copy Enclosed)

It is further submitted that two degree holders Sub Engineers have already promoted in line with the above service rules. (Copies of their Notifications Attached)

It is further submitted that service rule for promotion of degree holders Sub Engineers to the post of Assistant Engineers were unilaterally amended after our joining of the department and the length of five years' service has now been prescribed for promotion of the degree holder Sub Engineer to the post of Assistant Engineer (BPS-17). (Notification Attached)

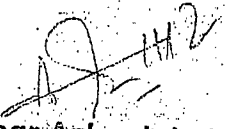
We the degree holder Sub Engineers were totally kept uninformed in the discriminatory amendment in the Service Rule without providing any opportunity to timely submit our genuine reservations and we all have just recently known the injustice committed with us through the unwarranted amendment in the service rules, which if not revised /corrected, will adversely affect our career progression. (Copy Attached)

It is therefore most humbly pleaded that the unjust amendments in service rules prescribing five years' length service for promotion of degree holders sub-engineers may kindly be revoked /reversed so that the timely career progression/promotion of the degree holders sub engineers against the vacancies of Assistant Engineers falling in their

Public Interest

Your Most Obediently

16


Engr. Azhar Iqbal

Copy Forwarded for information :-

1. Secretary / Chairman (SSRC) Local Government Election & Rural Development
Department Khyber Pakhtunkhwa.
2. Section Officer Establishment Local Government Election & Rural Development
Department Khyber Pakhtunkhwa.

E (17)



**DIRECTORATE GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA**

No. Director (LG) 3-1/Establishment/2021 /18801
Dated Peshawar, the 28th December, 2021

To
The Secretary to Government of Khyber Pakhtunkhwa,
Local Government, Elections & Rural Development Department.

Attention: **The Section Officer (Establishment).**

Subject: **PRESENTATION AGAINST THE UNILATERAL AMENDMENTS IN THE
SERVICE RULES FOR PROMOTION OF DEGREE HOLDERS SUB
ENGINEER TO THE POST OF ASSISTANT ENGINEERS BPS-17 IN LG &
RDD KHYBER PAKHTUNKHWA**

I am directed to refer to the subject cited above and to enclose herewith an application of Engineer Azhar Iqbal and others dated 15.10.2021 wherein they have stated that they have joined this Department through Khyber Pakhtunkhwa Public Service Commission and were appointed vide this office order dated 16.09.2019 (copy enclosed). They have further stated that before their appointment no length of service was required in the service rules for promotion of degree holder Sub Engineer (BPS-12) to the post of Assistant Engineer (BPS-17) as evident in departmental service rules notification No. SO(LG & RD-I)2-188/93-VOL-II dated 14.04.1998 (copy enclosed).

They further stated that the service rules for promotion of degree holders Sub Engineer (BPS-12) to the post of Assistant Engineer (BPS-17) were unilaterally amended after our joining of the department and the length of service of five (05) years' service has now been prescribed for promotion of the degree holder Sub Engineer (BPS-12) to the post of Assistant Engineer (BPS-17) vide Notification No. SO(E)LG/2-188/SSRC/2019 dated 16.10.2019 (copy enclosed).

As this office is facing severe shortage of Assistant Engineers (BPS-17) in the wake of establishment of Tehsil Setup of LG, E & RDD at each Tehsil so their case may be taken up with Finance Department to upgrade them in order to meet the requirements of Tehsil level offices.

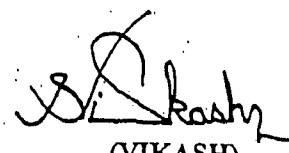


(VIKASH)
ASSISTANT DIRECTOR (ADMIN/HR)
LG&RD

Endst: No. & date even:

Copy forwarded to the:

1. PA to Director General, LG&RDD, Khyber Pakhtunkhwa.



(VIKASH)
ASSISTANT DIRECTOR (ADMIN/HR)
LG&RD



Government of Khyber Pakhtunkhwa
Local Government, Elections and Rural Development Department

NOTIFICATION

Dated Peshawar, the 29th April, 2019

No.SO(LG-I)2-336/Promotion/AEs/2019.- On the recommendations of Departmental Promotion Committee, the Competent Authority has been pleased to promote Mr. Jamil Khan, Sub-Engineer (Degree Holder) BPS-12, office of Assistant Director, Local Government and Rural Development Department, Bannu to the post of Assistant Engineer (Civil) BPS-17 in LG&RDD with immediate effect.

2. The officer will remain on probation for a period of one year in terms of Rule-15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon his promotion, the adjustment order of the above officer is being issued separately.

SECRETARY TO GOVT. OF KHYBER
PAKHTUNKHWA, LG, E&RDD

Endst No. Even No. & Date.

- Copy is forwarded to:-
- 1 The Accountant General, Khyber Pakhtunkhwa, Peshawar.
 - 2 The AGPR Sub-Office, Peshawar
 - 3 The Director General, LG&RDD, Khyber Pakhtunkhwa, Peshawar.
 - 4 The Director Merged Areas Secretariat, LG&RDD, Warsak Road, Peshawar.
 - 5 All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
 - 6 All District Accounts Officers in Khyber Pakhtunkhwa.
 - 7 The Officer concerned.
 - 8 The Manager Government Printing Press, Peshawar
 - 9 Personal file of the officer concerned.
 - 10 The PS to Secretary, LG, E&RDD.
 - 11 The PS to Special Secretary, LG, E&RDD.
 - 12 Office order file.

(Haji Muhammad)
Section Officer (Estab)
Phone # 091-9213224

NOTIFICATION

Dated Peshawar the 06th November 2019 / 19

No. SO(E) 2-343/AE-RECTT/2019/VOL-V:-

Pursuant to this Department

Notification No. SO(E)LG/2-343/Recruit/2019, dated 03rd October, 2019, the Competent

Authority Local Government, Elections and Rural Development Department is pleased to

order the following postings / transfers of Assistant Engineers (Civil) BS-17 with immediate

effect in the interest:-


S.No.	Name Officers	From	To
1.	M. Saifullah Shah, Assistant Engineer (Civil) BS-17.	On appointment	Assistant Engineer in the Office of Assistant Direction LG&RDD, Kohistan Upper against a vacant post
2.	M. Saifullah, Assistant Engineer (Civil) BS-17.	On appointment	Assistant Engineer in the Office of Assistant Direction LG&RDD, Kohistan Lower against a vacant post
3.	M. Mazhar Khan, Assistant Engineer (Civil) BPS-17	On appointment	Assistant Engineer in the Office of Assistant Direction LG&RDD, Torghar against a vacant post
4.	M. Iqbal Ullah Khan, Sub-Engineer (Degree Holder) of the AD, LG&RDD, Tank, District Dir Lower Swat.	On promotion	Assistant Engineer in the Office of Assistant Direction LG&RDD, Tank to relieve Mr. Muhammad Shakeel Ahmad of the additional charge.

**SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA, LG, E&RDD**

No. SO(E) 2-343/AE-RECTT/2019/VOL-V

Dated Peshawar the 06th November, 2019

- Cy forwarded to:-
- TL Accountant General, Khyber Pakhtunkhwa Peshawar.
- TL Director General, LG&RDD Khyber Pakhtunkhwa Peshawar.
- AL Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
- TL District Accounts Officers in Khyber Pakhtunkhwa.
- TL Officers concerned. They are directed to furnish their charge assumption report in their respective place of postings to this Department within seven (07) days.
- TL to Secretary LG, E&RDD Peshawar.
- TL Personal Files of the Officers concerned.
- TL to be order file.


(HAJI MUHAMMAD)
SECTION OFFICER (ESTAB)
 Phone # 091-9213224

VAKALATNAMA

NO. _____ /20

IN THE COURT OF KP Service Tribunal, Peshawar

Azhar Iqbal

Appellant
Petitioner
Plaintiff

VERSUS

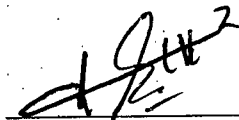
LG & RPD Deptt.

Respondent (s)
Defendants (s)

I/WE Azhar Iqbal

do hereby appoint and constitute the *SYED NOMAN ALI BUKHARI Advocate High Court* for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE _____ /20



(CLIENT)

ACCEPTED


SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT